

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

In re §
§
ADVANCE TRANSPORTATION § Case No. 21-30906-HCM-11
SERVICES INCORPORATED, §
Debtor. §

**DEBTOR'S EMERGENCY MOTION TO ASSUME
INSURANCE PREMIUM FINANCING CONTRACT**

TO THE HONORABLE H. CHRISTOPHER MOTT, UNITED STATES BANKRUPTCY JUDGE:

Now comes the Debtor-in-Possession ADVANCE TRANSPORTATION SERVICES INCORPORATED (hereinafter "ATSI") and through its counsel E.P. BUD KIRK files this Emergency Motion to Assume Insurance Premium Financing Contract, and for cause would show:

1.

Petition date is November 30, 2021 in these Subchapter V of Chapter 11 proceedings. Jurisdiction arises under 28 U.S.C. § 1334(a) and (b).

2.

Debtor is a commercial transportation company. It is required to have both collision and accident insurance upon its fleet of commercial vehicles, and it cannot lawfully accept loads or carry freight without that insurance.

3.

Debtor managed to obtain the insurance coverage through an unexpired contract with PEOPLE'S PREMIUM FINANCE of 600 SW Jefferson, Ste. 204, Lee Summit, MO 64063. The contract is executory in the sense that if the Debtor fails to perform its part of the contract, PEOPLE'S PREMIUM FINANCE can terminate the contract and be excused from further performance. And if PEOPLE'S PREMIUM FINANCE did not perform its side of the

contract, ATSI would be entitled to seek redress and/or insurance through another company. In order to qualify for ongoing coverage, ATSI must keep its vehicles in good repair and inspected for ongoing permits, and must ensure that its drivers commit no violations of highway safety rules and other coverage requirements. PEOPLE'S PREMIUM FINANCE must keep the coverage in force whenever payment or reportage or other action is required, and must adjust the coverage for changes in the size and value and risk of the fleet and for changes in applicable governmental regulations.

4.

The current cost on the insurance coverage is approximately \$12,000 per month. The contract runs through July 1, 2022.

5.

The risk of assuming this contract is of little consequence. Debtor intends to operate and must have insurance.

6.

Alternatively, if the Court does not regard the contract as executory, Debtor prays for permission to make the payments as an essential and current operating expense for which the Debtor is receiving adequate and fair market value in return.

WHEREFORE, PREMISES CONSIDERED, Debtor prays that, it be allowed to assume the executory contract with PEOPLE'S PREMIUM FINANCE, or to make payments as a current and essential operating expense and that it have all other and further related relief deserved in the circumstances.

Respectfully submitted this 30  day of November, 2021.

/s/ 
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Building Four, Suite 400
El Paso, TX 79912
(915) 584-3773
(915) 581-3452 facsimile
budkirk@aol.com

Attorney for Debtor

CERTIFICATE OF SERVICE

I do hereby certify that on the 30th day of November, 2021, I did cause a copy of the foregoing Emergency Motion to Assume Insurance Premium Financing Contract to be mailed to U.S. Trustee, P.O. Box 1539, San Antonio, TX 78205-1539; to Subchapter V Trustee, c/o Brad W. Odell, 1500 Broadway, Suite 700 Lubbock, Texas 79401; to Advance Transportation Services Incorporated, 12308 Red Sun Dr., El Paso, TX 79938; to People's Premium Finance, 600 SW Jefferson, Ste. 204, Lee Summit, MO 64063; and to the 20 Largest Unsecured Creditors listed below.

/s/ 
E.P. BUD KIRK

4981-MC-112921

BFS Capital
1970 Oakcrest Ave., Ste. 217
Saint Paul, MN 55113

Celtic Bank
269 South State St.
Salt Lake City, UT 84111

EP Leasing, LLC
P.O. Box 290775
El Paso, TX 79935

Kabbage
505 Lakeland Plaza, Ste. #347
Cumming, GA 30040

Loan Builder
3505 Silverside Rd., Ste. 200
Wilmington, DE 19810

OnDeck Capital
1400 Broadway 25th Floor
New York, NY 10018-5225

Prime Advance
585 Walker Street
Bloomington, IN 47403

S.W.I.T.
2959 Irving Blvd.
Dallas, TX 75247

Vista Star Scot Properties
P.O. Box 522541
El Paso, TX 79952

World Global Capital
116 Nassau Street, Ste. 804
New York, NY 10038

Yes Capital
525 Walker Street
Bloomington, IN 47403